

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

FRANKIE FIGUEROA, DANNION JORDAN, JAMEZ LEGGETT, LAMONT GRAY and SHAWN PARRILLA, Individually and on Behalf of All Others Similarly Situated,

DEFENDANTS

ROVINI CONCRETE CORP., ROVINI CONSTRUCTION CORP., VINCENT ZOLLO, and ROSEMARY ZOLLO, Jointly and Severally,

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

PELTON & ASSOCIATES PC
111 Broadway, Suite 1503, New York, NY 10006
(212) 385-9700

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. Sec. 201 et seq. - Fair Labor Standards Act failure to pay overtime premiums

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒

Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[] 368 ASBESTOS PERSONAL			[] 450 COMMERCE
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT			[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY			[] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY			PROPERTY RIGHTS	ENCED & CORRUPT
OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		[] 820 COPYRIGHTS	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD		[] 830 PATENT	(RICO)
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING		[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
DEFAULTED	[] 350 MOTOR VEHICLE				[] 490 CABLE/SATELLITE TV
STUDENT LOANS	[] 355 MOTOR VEHICLE			SOCIAL SECURITY	[] 850 SECURITIES/
(EXCL VETERANS)	PRODUCT LIABILITY				COMMODITIES/
RECOVERY OF	[] 360 OTHER PERSONAL	[] 380 OTHER PERSONAL	LABOR	[] 861 HIA (1395ff)	EXCHANGE
OVERPAYMENT	INJURY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 862 BLACK LUNG (923)	
OF VETERAN'S	[] 362 PERSONAL INJURY -	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY
[] 160 STOCKHOLDERS			RELATIONS	[] 865 RSI (405(g))	ACTIONS
SUITS		PRISONER PETITIONS	[] 740 RAILWAY LABOR ACT		[] 891 AGRICULTURAL ACTS
[] 190 OTHER		[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL	FEDERAL TAX SUITS	
CONTRACT		[] 510 MOTIONS TO	LEAVE ACT (FMLA)	[] 870 TAXES (U.S. Plaintiff or	[] 893 ENVIRONMENTAL
[] 195 CONTRACT	ACTIONS UNDER STATUTES	VACATE SENTENCE		Defendant)	MATTERS
PRODUCT	CIVIL RIGHTS	28 USC 2255		[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF
LIABILITY	[] 440 OTHER CIVIL RIGHTS	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR	26 USC 7609	INFORMATION ACT
[] 196 FRANCHISE	(Non-Prisoner)	[] 535 DEATH PENALTY	LITIGATION		[] 896 ARBITRATION
	[] 441 VOTING	[] 540 MANDAMUS & OTHER	[] 791 EMPL RET INC		[] 899 ADMINISTRATIVE
REAL PROPERTY	[] 442 EMPLOYMENT		SECURITY ACT		PROCEDURE ACT/REVIEW OR
[] 210 LAND	[] 443 HOUSING/	PRISONER CIVIL RIGHTS	IMMIGRATION		APPEAL OF AGENCY DECISION
CONDEMNATION	ACCOMMODATIONS	[] 550 CIVIL RIGHTS	[] 482 NATURALIZATION		[] 950 CONSTITUTIONALITY OF
[] 220 FORECLOSURE	[] 445 AMERICANS WITH	[] 555 PRISON CONDITION	APPLICATION		STATE STATUTES
[] 230 RENT LEASE &	DISABILITIES -	[] 560 CIVIL DETAINEE	[] 485 OTHER IMMIGRATION		
EJECTMENT	EMPLOYMENT	CONDITIONS OF CONFINEMENT	ACTIONS		
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH				
[] 245 TORT PRODUCT	DISABILITIES -OTHER				
LIABILITY	[] 448 EDUCATION				
[] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 10/13/2015 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

☒ YES (DATE ADMITTED Mo. 11 Yr. 2002)
 Attorney Bar Code # BP 1055

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)